

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRYL CARTER,

No. C 12-5537 MMC

Plaintiff,

v.

**ORDER GRANTING PLAINTIFF'S
MOTION TO FILE SECOND AMENDED
COMPLAINT; DIRECTIONS TO CLERK**

CLYDE REESE III, et al.,

Defendants

Before the Court is plaintiff Darryl Carter's "Motion to Amend First Amended Complaint for Equitable and Legal Relief," filed December 3, 2012, by which motion plaintiff requests leave to file a Second Amended Complaint. Plaintiff asserts he "became aware of an additional United States Constitution fourteenth amendment violation which transpired since the start of the civil action" (see Mot. at 4:16-18), and seeks to plead said violation. Defendants have not yet appeared and will suffer no prejudice from the request. Accordingly, the motion is hereby GRANTED. See Fed. R. Civ. P. 15(a)(2) (directing courts to "freely give leave [to amend] when justice so requires").

The Clerk of the Court is hereby directed to file plaintiff's "Second Amended Complaint for Equitable and Legal Relief," lodged with the Clerk of Court on December 3, 2012.

IT IS SO ORDERED.

Dated: December 7, 2012


MAXINE M. CHESNEY
United States District Judge